

EXHIBIT G

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1 nomination paper is an affirmation
2 versus the affidavit on the nomination
3 petition. So it includes an area
4 where the official who's authorized to
5 acknowledge would complete the form.
6 I'm not sure what you're ---.

7 Differences in the language, so ---.

8 ATTORNEY JOEL:

9 Do you want him to read
10 both, both sets of languages in
11 it?

12 ATTORNEY ROSSI:

13 No, it's going to be in
14 the record, that's fine. I
15 just want to get to one final
16 question on that.

17 BY ATTORNEY ROSSI:

18 **Q. Is the affirmation --- or the**
19 **statement of the circulator, is that**
20 **executed under a penalty of perjury?**

21 A. I believe it is and I believe
22 it says so here. Specifically it
23 states that I state that the
24 information set forth in this section
25 is true and accurate and made subject

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1 to the criminal penalties imposed by
2 law for violation of 18 Pa.C.S.
3 Section 4904 relating to unsworn
4 falsification to authorities.

5 **Q. During 2016, did you have any**
6 **--- strike that.**

7 **In 2016, did any allegation of**
8 **fraud in circulation of nominating**
9 **papers come to your attention?**

10 ATTORNEY JOEL:

11 Object to the form. Go
12 ahead.

13 A. I don't know that any
14 allegation --- official allegations of
15 fraud came to our attention.
16 Typically, in the process of reviewing
17 nomination petitions and nomination
18 papers we may see something, for
19 example, somebody it appears filled
20 out several signature lines in the
21 same hand. Other things --- and we'll
22 mention it to the candidate. We're
23 looking at the --- we're assuming
24 everything on the nomination petitions
25 and nomination papers is facially

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1 valid. But there are things that
2 we've seen over the years and we
3 usually mention it to the filer just
4 to let them know.

5 BY ATTORNEY ROSSI:

6 **Q. So what is the process when**
7 **somebody files a nominating paper?**
8 **What is the process that your office**
9 **goes through in accepting that paper?**

10 A. Basically we do a line-by-line
11 --- we make sure all the required
12 information on each page is completed
13 about the candidates. You know, make
14 sure that the candidate has identified
15 the office on each page that he or she
16 is seeking.

17 We also ensure that the
18 affirmation or the statement of
19 circulator or the affidavit of
20 circulator is completed. And then we
21 look at each individual signature line
22 to ensure that all of the information
23 is completed, that there's a name, a
24 signature, an address and a date of
25 signing on each line.

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1 **Q. And who actually does that for**
2 **your office?**

3 A. It would be Bureau staff we
4 have. We do a lot of things in
5 addition to elections, so at
6 nomination petition, nomination paper
7 filing time we have our election
8 staff, as well as folks from other
9 areas in our Bureau reviewing the
10 nomination petitions and papers.

11 **Q. So you have specific staff**
12 **dedicated to reviewing election**
13 **petitions, both petitions and papers,**
14 **when they're filed with your office?**

15 A. Correct. The nomination
16 petitions we actually --- it's pretty
17 much everyone. Because we get ---
18 this year we had about, you know, I
19 guess 1,100 candidates, most of which
20 filed on the last two days. So it is
21 folks from our own Bureau and even a
22 few volunteers for nomination
23 petitions. Nomination papers, it's
24 our Bureau staff for the most part.

25 **Q. So more petitions are filed**

7 (Pages 22 to 25)

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1 than papers?

2 A. Correct. Yes.

3 **Q. In 2016 --- strike that.**

4 **In 2016, more nominating**
5 **petitions were filed than papers?**

6 A. Correct.

7 **Q. Okay. So when nominating**
8 **papers are filed, if there is a**
9 **problem, are your staff members**
10 **instructed to alert you to the issue?**

11 A. Yes. They would actually alert
12 the supervisor of admissions of
13 elections of voter registration. I
14 guess it depends on what the problem
15 is. If there's a problem with, you
16 know, an individual page or a problem
17 with the nomination paper as a whole.

18 **Q. And in 2016, were you called in**
19 **to review any of the nominating papers**
20 **that were filed?**

21 A. I was not. Actually I did not
22 review any of them myself.

23 **Q. So if one of your staff members**
24 **detected what they believe would've**
25 **been a fraudulent statement of**

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1 circulator --- strike that.

2 **Is it your instructions --- do**
3 **you have any instructions to your**
4 **staff that if they detect any kind of**
5 **fraud, any affidavit or a circulator**
6 **statement that you'd be made alert ---**
7 **aware of that problem?**

8 ATTORNEY JOEL:

9 Just object to the form.

10 A. And our staff is not trained to
11 detect fraud. I tried to make the
12 distinction, and maybe I didn't do a
13 good job. We don't assume anything as
14 fraud and we're not necessarily ---
15 our staff is not equipped to make a
16 determination there. But if we see
17 --- you know, and typically what we'll
18 see is it looks like the same person
19 has the same handwriting. We will
20 note of that to the candidate, because
21 it may be relevant to the candidate in
22 the coming days. But we do not train
23 them to detect fraud.

24 BY ATTORNEY ROSSI:

25 **Q. So your staff members are not**

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1 **looking for instances of fraud, with**
2 **respect to nominating petitions or**
3 **papers?**

4 A. Right. There's all kinds of
5 fraud, what they are trained to do is
6 notify the candidate. If it appears
7 that somebody may have written a
8 number of signature lines in the same
9 hand ---- and there's case law on this
10 matter. Sometimes it's okay. I
11 believe the courts ruled in cases
12 where the individuals who are signing
13 it are disabled and they cannot write
14 out their information, that would be
15 appropriate.

16 But it would not be appropriate
17 for somebody to just simply fill it
18 out for each person. So they're not
19 trained to detect fraud, they are
20 trained to notify the filer of
21 anomalies that they see in their
22 nomination papers or nomination
23 petitions.

24 **Q. Were any objections filed to**
25 **nominating papers filed with your**

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1 **office in 2016?**

2 A. Yes.

3 ATTORNEY JOEL:

4 Object to the form. I
5 don't think the objections are
6 filed with his office.

7 ATTORNEY ROSSI:

8 I'm sorry, what?

9 ATTORNEY JOEL:

10 I don't think the
11 objections are filed with his
12 office. I think they're filed
13 in court. You said objections
14 filed with his office.

15 ATTORNEY ROSSI:

16 Okay. Fair enough,
17 correct. Strike that.

18 BY ATTORNEY ROSSI:

19 **Q. To your knowledge, were any**
20 **objections filed to any nominating**
21 **papers that were filed with your**
22 **office?**

23 A. I believe there were a handful,
24 yes.

25 **Q. To your knowledge, were these**

8 (Pages 26 to 29)

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1 objections filed to papers for
2 president?

3 A. I believe --- actually, no. I
4 think it was Attorney General as I
5 recall.

6 **Q. Okay. To your knowledge, were
7 there any allegations of fraud on that
8 case?**

9 A. To my knowledge, no.

10 **Q. Referring to Plaintiff's
11 Exhibit Number 1, when nominating
12 papers are filed with your office,
13 what are your staff members instructed
14 ---? How are your staff members
15 instructed to deal with a statement of
16 circulator that is not fully executed?**

17 A. It would depend on the
18 circumstance. Obviously, the page
19 cannot be accepted. If it's on the
20 filing deadline, we would not count
21 the signatures on that page. If
22 there's time for the candidate to
23 correct the defect, in other words
24 take ---. If it's simply blank,
25 whoever circulated the nomination

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1 paper page could still sign it. And
2 we'll accept it up to the deadline.

3 **Q. Okay.**

4 A. So it really depends on the
5 time, you know, if it's on the
6 deadline and there's not time to get
7 to the circulator and have them sign
8 it we would just simply not count the
9 signatures in our tally.

10 **Q. And with respect to Plaintiff's
11 Exhibit 2, the nominating petition, if
12 the affidavit is --- strike that.**

13 **With respect to the affidavit
14 of circulator on a nominating
15 petition, when they are filed with
16 your office, does your staff review
17 that for completeness?**

18 A. They do, yes.

19 **Q. And if an affidavit of
20 circulator's not completed,
21 completely executed, what does your
22 staff do with that paper?**

23 A. Well, the same rule would apply
24 as with the nomination paper. It
25 would depend if it's on the deadline

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1 and there's not time to get to the
2 circulator of the nomination petition
3 page, we would simply not count the
4 signatures on that page. If they were
5 filing it two days before the deadline
6 or ever two hours and they have time
7 to get to the circulator, then we
8 would give it back to them and let
9 them correct the defect and bring it
10 back before the filing deadline.

11 **Q. Thank you.**

12 A. So it's a really a situational
13 decision.

14 **Q. But if the affidavit is not
15 properly executed, the signatures
16 don't count?**

17 A. Right. We would not count the
18 signatures and we would instruct the
19 candidates ---. If for whatever
20 reason that we had to reject the
21 nomination petition or nomination
22 paper for that basis, we would
23 instruct them to go to the
24 Commonwealth court, file a mandamus
25 action seeking leave to make the

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1 amendment after the deadline.

2 **Q. Did that occur in --- to your
3 knowledge, did that occur in 2016,
4 with respect to nominating petitions?**

5 A. I believe it did occur in a few
6 cases with nomination petitions.

7 **Q. So because the affidavit was
8 not executed, the ---? Is it your
9 testimony that in 2016 there were
10 candidates who filed nominating
11 petitions that were not accepted ---
12 initially accepted because the
13 affidavit was not properly executed?**

14 A. I want to be clear. I do
15 recall --- this is a two-sided form.
16 There were nomination petitions. I
17 clearly recollected there were
18 nomination petition pages, where the
19 front side and the back side were not
20 attached. The affidavit itself may
21 have been completed, but they were not
22 submitted as a one-page form. So they
23 were rejected and candidates went into
24 court requesting leave to amend those
25 nomination petitions. There were

9 (Pages 30 to 33)

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1 probably --- I can't say for sure,
2 there were probably some circumstances
3 where there may have also been other
4 defects in the affidavit. You know,
5 it's a fairly common occurrence during
6 filing that you'll have a handful of
7 those.

8 **Q. Did the defects in the**
9 **affidavit of circulator for nominating**
10 **petitions in 2016 prevent a candidate**
11 **from being able to file enough**
12 **signatures to get onto the ballot?**

13 A. I don't recall that that was
14 the case, no.

15 **Q. So when you're saying that**
16 **petition pages were rejected because**
17 **of a defective affidavit, you're**
18 **referring to individual pages and not**
19 **the entire petition?**

20 A. If there are enough pages,
21 enough signatures on those pages that
22 you have to reject the entire
23 petition. Because again, we're not
24 counting the signatures on those pages
25 that are not correctly executed. So

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1 there were candidates whose nomination
2 petitions were rejected. And they
3 went in to Commonwealth Court,
4 requesting leave to amend the --- and
5 they made those amendments and had
6 their names placed on the ballot.

7 **Q. And circle back, when a**
8 **candidate files a nominating petition,**
9 **what are the tasks that your staff**
10 **goes through before they accept the**
11 **filing?**

12 A. It's very similar to nomination
13 papers. They are looking at the
14 preamble on the front and making sure
15 that all the candidate information,
16 the office, all of that is completed.
17 They're also verifying that the
18 candidate affidavit --- or the
19 affidavit of circulator --- excuse me,
20 is executed and completed by the
21 circulator. And then they're doing
22 the same individual line examination,
23 to ensure that each line has all of
24 the required elements completed for
25 the signer.

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1 **Q. And do they review the**
2 **signatures in any manner, before**
3 **they're filed?**

4 A. They review them for
5 completeness. They make sure that the
6 signature of the elector, the printed
7 name of the voter is there as well as
8 the address and the date of signing.
9 So they don't do any review beyond
10 making sure all of the information is
11 there. And they count up to the
12 threshold, whatever the statutory
13 signature threshold is, they would
14 count up to that number to ensure that
15 the candidate has enough signatures on
16 the nomination ---.

17 **Q. So your staff does a running**
18 **total of facially valid signatures up**
19 **to the total that they're required to**
20 **file?**

21 A. Correct, yes.

22 **Q. And once you've reached that**
23 **number, do you continue to review any**
24 **further petition pages?**

25 A. We do not, we accept them at

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1 that moment.

2 **Q. So if an individual page is**
3 **defective in any way, those signatures**
4 **are not counted, they're set aside?**

5 A. They are --- if we accept the
6 nomination petition, they're not set
7 aside. We typically move them --- in
8 practice we move them to the back of
9 the nomination petition, you know.
10 But if the nomination petition or
11 nomination paper as a whole is
12 accepted we will take everything,
13 including those pages that may not
14 have been executed completely.

15 **Q. But for purposes of your**
16 **initial review to determine whether or**
17 **not a petition has sufficient**
18 **signatures, a defective petition page,**
19 **those signatures are not counted?**

20 A. Correct.

21 **Q. Okay.**

22 A. Yes.

23 **Q. But then if other papers**
24 **contain enough signatures, the**
25 **defective pages are added to the back**

10 (Pages 34 to 37)

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1 does the statement of circulator on a
2 paper provide you the same
3 information?

4 A. It does. For us as the
5 administrator it gives us the
6 information we need, the name and
7 address of the person who circulated
8 the page.

9 **Q. Does your office investigate**
10 **--- strike that.**

11 **Does your office involve ---**
12 **strike that.**

13 **Voter registration fraud, do**
14 **you have any area of responsibilities**
15 **--- strike that.**

16 **Have you been made aware of any**
17 **allegations of voter registration**
18 **fraud during your tenure ---?**

19 A. Ever?

20 **Q. During your tenure.**

21 A. Yes, we have been made aware of
22 prosecutions over voter registration
23 fraud over the years.

24 **Q. Have you ever testified in any**
25 **of those cases?**

1 A. I'm not aware of any in 2016.

2 **Q. And that's for petitions or**
3 **papers?**

4 A. Correct, yes.

5 **Q. And do you --- with respect to**
6 **election petition fraud, issues that**
7 **have come to your attention, do you**
8 **have any --- are you able to testify**
9 **as to your memory as to what those**
10 **issues involved?**

11 A. I think, you know, there were a
12 few cases that come to mind because
13 they were actually legislators,
14 incumbent legislators who were
15 prosecuted. Or at least individuals
16 who worked for their campaign were
17 prosecuted. A lot of it was on the
18 validity of signatures. I think in
19 two different incidences, individuals
20 purportedly signed a nomination
21 petition and then that testified under
22 oath that they actually did not sign
23 the nomination petition.

24 **Q. And to your knowledge, were**
25 **these prosecutions for petitions or**

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1 A. I have not, I have not
2 testified in any criminal cases. I
3 did testify in a civil case in
4 Commonwealth Court several years ago
5 where ACORN was a named defendant, I
6 believe that was 2008.

7 **Q. Okay. How are you made aware**
8 **of prosecutions of voter registration**
9 **fraud?**

10 A. There's no official process,
11 district attorneys are not required to
12 submit any information to us. But we
13 will hear from election directors if
14 someone was prosecuted within their
15 county, so ---.

16 **Q. Are you aware of any**
17 **prosecutions of election petition**
18 **fraud?**

19 A. Yes, over the years there have
20 been a number of those either
21 prosecuted by the Attorney General's
22 office or district attorneys
23 throughout the Commonwealth.

24 **Q. Have any prosecutions come to**
25 **your awareness for 2016?**

1 **for papers?**

2 A. I believe they were for --- the
3 ones that I recollect were for
4 nomination petitions, specifically.

5 **Q. Okay. Do you know how many**
6 **registered voters there are in**
7 **Pennsylvania?**

8 A. Currently it's about 8.6
9 million.

10 **Q. Do you know the breakdown by**
11 **major political party?**

12 A. Oh, gosh, no. I haven't
13 looked. The number has actually gone
14 up by several hundred thousand just in
15 the last several weeks. So it's a
16 moving target.

17 **Q. Do you know what percentage of**
18 **voters are registered with the major**
19 **political parties?**

20 A. I believe between the two of
21 them, probably I would say about 80
22 percent, if not more, are registered
23 with major parties.

24 **Q. Either Republicans or**
25 **Democrats?**

21 (Pages 78 to 81)